

REMARKS

This is a timely filed Preliminary Amendment for the RCE filed on March 21, 2003. Claims 1 - 3, 19, and 21 - 43 are cancelled in this Preliminary Amendment. Claims 4 - 15 have been amended in this Preliminary Amendment. Claims 44 - 69 have been added to the application. Claims 16 - 18, and 20 have been previously cancelled. Therefore, Claims 4 - 15 and 44 - 69 are pending in this application. The application now comprises 9 (nine) independent claims and 38 (thirty-eight) total claims. The Applicant has previously paid excess claims fees for 12 (twelve) independent claims and 39 (thirty-nine) total claims, so no excess claims fees should be required.

Support For Claim Amendments

Independent Claims 4, 7, 10, and 13 have been amended, in part, to recite:

information storage medium comprising:

a recording information area and

an aggregate attribute information area,

wherein the recording information area comprises:

a partial recording information area where partial recording information is recorded, the partial recording information including unit audio information which is logically defined; and

a control data area where control data including partial recording information attribute information is recorded, the partial recording information attribute information indicating attributes of the partial recording information, and

wherein unit audio information attribute information is collectively recorded in the aggregate attribute information area, the unit audio information attribute information indicating attributes of the unit audio information respectively, and wherein the aggregate attribute information area is formed at a position on the information storage medium such that the unit audio information attribute information can be detected prior to the partial recording information and the control data.

The Applicants submit that this amendment is supported by the specification. Specifically, the Applicants submit that this amendment is supported Figs. 1, 3, and 4 of the specification and the related description in the specification from page 10, lines 20 to 29; and page 17, line 13 to page 22, line 19. The Applicants further submit that the amendments to Claims 4 - 15 are supported

by these claims as originally filed. Therefore, the Applicants submit that the amendments to Claims 4 - 15 add no new matter to the application and may be properly entered.

The Applicants note that new independent claims 44, 52, and 60 recite, in part, similar subject matter to that discussed above. Therefore, the Applicants submit that these new claims are, at least in part, supported in the specification at Figs. 1, 3, and 4 and at page 10, lines 20 to 29; and page 17, line 13 to page 22, line 19. The Applicants further submit that Claims 52 and 60 are additionally supported at Fig. 8 and the related text of the specification.

New Claims 45, 53, 55, 57, 59, 61, 63, 65 and 67 are supported in the specification at page 23, lines 8 - 18. New Claims 46, 47, 54, 55, 58, 59, 62, 63, 66, and 67 are supported in the specification at page 22, lines 20 - 22. New Claims 48, 49, 50, 51, 56, 57, 58, 59, 64, 65, 66, and 67 are supported in the specification at Fig. 6 and the related description in the specification. New Claims 68 and 69 are supported in the specification at Fig. 7 and the related description in the specification.

The Applicants submits that new Claims 44 - 69 are supported by the specification, as originally filed, and add no new matter to the application. Therefore, the Applicants submit that Claims 44 - 69 may be properly added to the application.

Patentability of Amended and Added Claims

The Applicants submit that the prior art cited by the Examiner does not teach, disclose, or suggest the elements of:

- information storage medium comprising:

- a recording information area and

- an aggregate attribute information area,

- wherein the recording information area comprises:

- a partial recording information area where partial recording information is recorded, the partial recording information including unit audio information which is logically defined; and

- a control data area where control data including partial recording information attribute information is recorded, the partial recording

information attribute information indicating attributes of the partial recording information, and wherein unit audio information attribute information is collectively recorded in the aggregate attribute information area, the unit audio information attribute information indicating attributes of the unit audio information respectively, and wherein the aggregate attribute information area is formed at a position on the information storage medium such that the unit audio information attribute information can be detected prior to the partial recording information and the control data.

as claimed in independent Claims 4, 7, 10, 13, 44, 52, and 60 alone or in combination with the other elements recited in those claims. Therefore, the Applicants submit that Claims 4, 7, 10, 13, 44, 52, and 60 are patentable over the cited references based at least upon the elements set forth above. The Applicants further submit that the claims dependent on the independent claims are patentable over the cited references based on their dependence on the independent claims and on their own merits.

The Applicants further submit that the prior art cited by the Examiner does not teach, disclose or suggest the elements of:

wherein the unit audio information attribute information is recorded at a position on the information storage medium such that the unit audio information attribute information can be detected prior to the partial recording information and the control data ✓

as claimed in Claims 68 and 69 alone or in combination with the other elements recited in those claims. Therefore, the Applicants submit that Claims 68 and 69 are patentable over the cited references based at least upon the elements set forth above.

Conclusion

Hence, the Applicants respectfully submit that all pending claims are patentable over the cited references. In view of the above, reconsideration and allowance of the pending claims are respectfully solicited.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed,

Preliminary AmendmentU.S. 09/131,941Page 23

the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at Facsimile Number 703-872-9314 and addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

June 19, 2003

(Date of Transmission)

Ross A. Schmitt

(Name of Person Transmitting)

Ross A. Schmitt

(Signature)

6-19-2003

(Date)

Respectfully submitted,

Ross A. Schmitt

Ross A. Schmitt

Attorney for Applicant

Reg. No. 42,529

LADAS & PARRY

5670 Wilshire Boulevard, Suite 2100

Los Angeles, California 90036

(323) 934-2300